

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:
Miguel Figueroa and Iluminida Figueroa

Case No.: 16-32055-ABA
Judge: Altenburg
Chapter: 13

Debtor(s)

Chapter 13 Plan and Motions

- | | | |
|---|--|--|
| <input type="checkbox"/> Original | <input checked="" type="checkbox"/> Modified/Notice Required | <input checked="" type="checkbox"/> Discharge Sought |
| <input type="checkbox"/> Motions Included | <input type="checkbox"/> Modified/No Notice Required | <input type="checkbox"/> No Discharge Sought |

Date: 05/11/2017

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 599.00 per month to the Chapter 13 Trustee, starting on 06/01/2017 for approximately 54 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future earnings
- ☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property

Description:

Proposed date for completion: _____

- ☐ Refinance of real property:

Description:

Proposed date for completion: _____

- ☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Brad J. Spiller, Esquire	Attorney's fees	\$2,810.00

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Midland Mortgage Co	326 Cypress Ave	\$28,284.31		\$28,284.31	\$1,146.00

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
US Dept. of Housing and Urban Develop	326 Cypress Ave	\$43,735.35	\$90,000.00	\$123,000.00	\$0.00		\$0.00

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

e. Secured Claims to be Paid in Full Through the Plan:

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ _____ to be distributed *pro rata*
- ☒ Not less than _____ 0 _____ percent
- ☐ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
US Dept. of Housing and Urban Develop	326 Cypress Ave	\$43,735.35

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Brad J. Spiller, Esquire
- 3) Secured
- 4) _____

d. Post-Petition Claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: _____.

Explain below **why** the plan is being modified:
Loan modification was denied.

Explain below **how** the plan is being modified:
Debtor is now paying mortgage arrears through the plan.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: 05/11/2017

/s/ Brad J. Spiller
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: 05/11/2017

/s/ Miguel Figueroa
Debtor

Date: 05/11/2017

/s/ Iluminida Figueroa
Joint Debtor

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 Miguel Figueroa
 Iluminida Figueroa
 Debtors

Case No. 16-32055-ABA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
 Form ID: pdf901

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 Total Noticed: 29

Date Rcvd: May 11, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 13, 2017.

db/jdb	+Miguel Figueroa, Iluminida Figueroa, 326 Cypress Ave, Woodlynne, NJ 08107-2114
aty	+KML Law Group, P.C., 216 Haddon Avenue, Suite 406, Westmont, NJ 08108-2812
lm	+Midland Mortgage Company, POB 26648, Oklahoma City, OK 73126-0648
516506304	+ARS/Account Resolution Specialist, Po Box 459079, Sunrise, FL 33345-9079
516506308	+Central Credit Services, 9550 Regency Square Blvd Ste 500, Jacksonville, FL 32225-8169
516506309	+Chrysler Financial Services, 310 Sawmill Ln, Horsham, PA 19044-1925
516706661	+Chrysler Financial Services Americas LLC, Rubin and Rothman, LLC, 1787 Veterans Hwy Ste 32, Islandia, NY 11749-1500
516506310	+Commonwealth Financial, 245 Main St, Dickson City, PA 18519-1641
516506312	+Convergent Healthcare Recovery, 121 Ne Jefferson St, Suite 100, Peoria, IL 61602-1229
516704167	+Cooper University Physician C/O CHRI, PO Box 1289, Peoria, IL 61654-1289
516637971	+Dr. Joseph J Fallon, Jr., Michael R Mazzoni, Esq, 1170 East Landis Avenue, Vineland, NJ 08360-4216
516637477	+Dr. Joseph J. Fallon, Jr., M.D., P.A., 1170 East Landis Avenue, Vineland, New Jersey 08360-4216
516506318	+Emrg Phy Assoc Of S Jersey, PO Box 740021, Cincinnati, OH 45274-0021
516506320	+Haddon Emergency Physicians, PO Box 41541, Philadelphia, PA 19101-1541
516506323	+Joseph Fallon Jr., MD, 603 N Broad St Ste 200, Woodbury, NJ 08096-1619
516506324	+KML Law Group, PC, 216 Haddon Ave, Ste 406, Westmont, NJ 08108-2812
516628011	+MidFirst Bank, 999 NorthWest Grand Boulevard, Oklahoma City, OK 73118-6051
516506325	+Midland Mortgage Co, Attn: Customer Service/Bankruptcy, Po Box 26648, Oklahoma City, OK 73126-0648
516506326	+Quest Diagnostics, PO Box 740775, Cincinnati, OH 45274-0775
516506327	+Remex, 307 Wall St, Princeton, NJ 08540-1515
516506328	+South Jersey Radiology, PO Box 1710, Voorhees, NJ 08043-7710
516506329	+Timothy P. Search, Esquire, 112 W Park Dr, Mount Laurel, NJ 08054-1246
516513079	+U.S. Department of Housing and Urban Development, 451 7th Street S.W., Washington, D.C. 20410-0002
516557497	+US Dept. of Housing, and Urban Develop, 451 7th Street S.W., Washington, DC 20410-0001

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. smg

	E-mail/Text: usanj.njbankr@usdoj.gov May 11 2017 23:16:06 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg	+E-mail/Text: ustpregion03.ne.ecf@usdoj.gov May 11 2017 23:16:01 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
516506306	+E-mail/PDF: ch.collections@verizon.net May 11 2017 23:05:38 C&H Collections, PO Box 1399, Merchantville, NJ 08109-0399
516506314	+E-mail/Text: legal-dept@cooperhealth.edu May 11 2017 23:16:06 Cooper Health System, PO Box 6018, Bellmawr, NJ 08099-6018
516506317	+E-mail/Text: bankruptcy_notifications@cccsusa.com May 11 2017 23:17:05 Credit Collections Svc, Po Box 773, Needham, MA 02494-0918

TOTAL: 5

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

516506305*	+ARS/Account Resolution Specialist, Po Box 459079, Sunrise, FL 33345-9079
516506307*	+C&H Collections, PO Box 1399, Merchantville, NJ 08109-0399
516506311*	+Commonwealth Financial, 245 Main St, Dickson City, PA 18519-1641
516506313*	+Convergent Healthcare Recovery, 121 Ne Jefferson St, Suite 100, Peoria, IL 61602-1229
516506315*	+Cooper Health System, PO Box 6018, Bellmawr, NJ 08099-6018
516506316*	+Cooper Health System, PO Box 6018, Bellmawr, NJ 08099-6018
516506319*	+Emrg Phy Assoc Of S Jersey, PO Box 740021, Cincinnati, OH 45274-0021
516506321*	+Haddon Emergency Physicians, PO Box 41541, Philadelphia, PA 19101-1541
516506322*	+Haddon Emergency Physicians, PO Box 41541, Philadelphia, PA 19101-1541

TOTALS: 0, * 9, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 13, 2017

Signature: /s/Joseph Speetjens

District/off: 0312-1

User: admin
Form ID: pdf901

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Total Noticed: 29

Date Rcvd: May 11, 2017

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 11, 2017 at the address(es) listed below:

Brad J. Spiller on behalf of Debtor Miguel Figueroa bankruptcy@brennerlawoffice.com,
aarcher@brennerlawoffice.com
Brad J. Spiller on behalf of Joint Debtor Iluminida Figueroa bankruptcy@brennerlawoffice.com,
aarcher@brennerlawoffice.com
Brian C. Nicholas on behalf of Creditor MIDFIRST BANK bnicholas@kmlawgroup.com,
bkgroup@kmlawgroup.com
Denise E. Carlon on behalf of Creditor MIDFIRST BANK dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com,
summarymail@standingtrustee.com
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com

TOTAL: 6